

04-18-01

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UTILITY PATENT APPLICATION TRANSMITTAL
(Large Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.
3051-67789

Total Pages in this Submission 89

TO THE ASSISTANT COMMISSIONER FOR PATENTS

Box Patent Application
Washington, D.C. 20231

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

METHODS FOR IDENTIFYING AND TREATING RESISTANT TUMORS

and invented by:

**Jason Scott Sawyer
Stephen M. Spaethe
James Jacob Starling**

If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:

Continuation Divisional Continuation-in-part (CIP) of prior application No.: 08/793,659

Which is a:

Continuation Divisional Continuation-in-part (CIP) of prior application No.: 08/298,644

Which is a:

Continuation **Divisional** **Continuation-in-part (CIP)** of prior application No.:

Enclosed are:

Application Elements

1. Filing fee as calculated and transmitted as described below
2. Specification having 72 pages and including the following:
 - a. Descriptive Title of the Invention
 - b. Cross References to Related Applications (*if applicable*)
 - c. Statement Regarding Federally-sponsored Research/Development (*if applicable*)
 - d. Reference to Microfiche Appendix (*if applicable*)
 - e. Background of the Invention
 - f. Brief Summary of the Invention
 - g. Brief Description of the Drawings (*if drawings filed*)
 - h. Detailed Description
 - i. Claim(s) as Classified Below
 - j. Abstract of the Disclosure

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Application Elements (Continued)

3. Drawing(s) (when necessary as prescribed by 35 USC 113)
 - a. Formal Number of Sheets 6
 - b. Informal Number of Sheets _____
4. Oath or Declaration
 - a. Newly executed (original or copy) Unexecuted
 - b. Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional application only)
 - c. With Power of Attorney Without Power of Attorney
 - d. DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. Incorporation By Reference (usable if Box 4b is checked)
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. Computer Program in Microfiche (Appendix)
7. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all must be included)
 - a. Paper Copy
 - b. Computer Readable Copy (identical to computer copy)
 - c. Statement Verifying Identical Paper and Computer Readable Copy

Accompanying Application Parts

8. Assignment Papers (cover sheet & document(s))
9. 37 CFR 3.73(B) Statement (when there is an assignee)
10. English Translation Document (if applicable)
11. Information Disclosure Statement/PTO-1449 Copies of IDS Citations
12. Preliminary Amendment
13. Acknowledgment postcard
14. Certificate of Mailing

First Class Express Mail (Specify Label No.): EL 230 256 606 US

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Accompanying Application Parts (Continued)

15. Certified Copy of Priority Document(s) *(if foreign priority is claimed)*
16. Additional Enclosures *(please identify below):*

Associate Power of Attorney

Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)

17. Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

Warning

An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.

UTILITY PATENT APPLICATION TRANSMITTAL
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Docket No.
 3051-67789

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 89

Fee Calculation and Transmittal

CLAIMS AS FILED

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	2	- 20 =	0	x \$18.00	\$0.00
Indep. Claims	1	- 3 =	0	x \$80.00	\$0.00
Multiple Dependent Claims (check if applicable)	<input type="checkbox"/>				\$0.00
				BASIC FEE	\$710.00
OTHER FEE (specify purpose)					\$0.00
				TOTAL FILING FEE	\$710.00

A check in the amount of **\$710.00** to cover the filing fee is enclosed.

The Commissioner is hereby authorized to charge and credit Deposit Account No. **10-0435** as described below. A duplicate copy of this sheet is enclosed.

Charge the amount of _____ as filing fee.

Credit any overpayment.

Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.

Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).


Rebecca L. Ball

Signature

Rebecca L. Ball

Registration No. 46,535

Dated: 17 April 2001

CC:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group: Unknown
Attorney Docket: 3051-67789⁸⁹
Applicant: Sawyer, et al.
Invention: **Methods For Identifying And Treating Resistant Tumors**
Serial No.: Unknown
Filed: Herewith (April 17, 2001)

CERTIFICATE UNDER 37 C.F.R. § 1.10

Assistant Commissioner for Patents
Washington, D.C. 20231
Attn: Box New Patent Application

Express Mail label number: EL 230 256 606 US

Date of deposit: April 17, 2001

Sir:

I hereby certify that the enclosed paper or fee is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231, Attn: Box New Patent Application.

Respectfully submitted,

Garla L. Twyman
Signature

Garla L. Twyman
Typed or Printed Name

Enclosure
Indianapolis, Indiana
(317) 231-7388